

Appl. No. 10/768,446
Amdt. Dated February 13, 2007
Reply to Office action of November 13, 2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 1-2, replaces the original sheet including Fig. 1-2. In Figure 2, previously omitted reference numerals 14 and 15 have been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action. Favorable reconsideration of the application is respectfully requested in view of the comments and amendments made herein.

Claims 3 and 12 were rejected under 35 USC 112, second paragraph, as being indefinite. It is submitted that support for “the guiding elements” is found in claim 15, from which claim 3 depends. Claim 12 was amended to cure any indefiniteness issues. Withdrawal of this rejection is respectfully requested.

Claims 1-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Vonlanthen (U.S. Patent No. 6,735,319). Traversal of this rejection is made for at least the following reasons.

Claim 1 has been rewritten as claim 15. Accordingly, the rejection to claim 1 will be addressed as if applied to claim 15. Vonlanthen fails to disclose a base plate having an opening or slot with a recess in the opening or slot such that at least one electronic module is laterally insertable into the recess after the vertical insertion or connection through the opening or slot, as required by independent claim 15. The Examiner relies on extra module 51 as being equivalent to the claimed base plate. However, the remainder of the rejection merely recites the claim language of claim 1 without further specifying which components or features of Vonlanthen corresponds to the claimed elements. Further, because the base plate disclosed in the present application is so fundamentally different from the hearing aid extra module 51 of Vonlanthen, it is unclear upon which components or features of Vonlanthen the Examiner relied in making the present rejection.

Applicant will attempt to discern the relied upon features to the best of his ability. Assuming that the Examiner relied on plug in part 34 as being equivalent to the claimed at least one electronic module, it is submitted that the plug in part 34 is not laterally insertable into a recess provided within the opening of the extra module after being inserted vertically into the opening. In fact, there is nothing within Vonlanthen that discloses any recess provided within the opening of the extra module. Additionally, based upon the configuration of the extra module 51 and plug in part 34, there is nothing that would suggest that once the plug in part is inserted within the extra module 51, there would be any lateral movement of the plug in part within the opening.

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Because Vonlanthen fails to disclose each and every limitation set forth in claim 15, Vonlanthen cannot anticipate such claim or any claim which depends therefrom. Withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 36414.

Respectfully submitted,
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Date: February 13, 2007